(2006) 09 NCDRC CK 0035

In the National Consumer Disputes Redressal Commission

VIVEK MINHAS APPELLANT

Vs

I I T T COLLEGE OF ENGINEERING KALA AMB RESPONDENT

Date of Decision : 07-09-2006

Acts Referred:

Citation : 2007 2 CPJ 53

Hon'ble Judges : K.S.Gupta , P.D.Shenoy J.

Advocate : Manoj Ohri , S.N.Agarwal

Judgement

1. THIS revision is directed against the order dated 15. 7. 2004 of Consumer Disputes Redressal Commission Rajasthan, Jaipur dismissing appeal against the order of a District Forum dated 26. 11. 2002 whereby petitioners/opposite parties were directed not to recover/adjust amount of Rs. 58,240 and continue to pay interest on the deposits in account Nos. 1607 and 1646, to the respondents/ complainants.

2. FACTS giving rise to this revision lie in a narrow compass. Respondent No. 1 is the husband of respondent No. 2. Respondent No. 2 deposited amounts of Rs. 30,000 in account No. 7252 and Rs. 48,000 in account No. 7253 opened on 4. 4. 1996 under Monthly Income Scheme in her name with the petitioners. Under that scheme, both the respondents jointly opened account Nos. 1430 on 28. 4. 1997, 1451 on 1. 9. 1997, 1452 on 2. 9. 1997, 1454 on 3. 9. 1997, 1607 on 12. 8. 1998 and 1646 on 7. 10. 1998. Amounts of Rs. 48,000, Rs. 48,000, Rs. 96,000 and Rs. 78,000 respectively were deposited in those accounts. Maturity period was six years. It was alleged that by the letter dated 16. 2. 2002 the Post Master, Madanganj, Kishangarh informed the respondents that they had deposited amounts in said accounts in excess of authorised maximum limits as prescribed under Rule 4 of Post Office (Monthly Income Account) Rules, 1987 and have been paid excess interest amounting to Rs. 58,240 which may be refunded back. Feeling aggrieved, respondents filed complaint which was contested by the petitioners. It was alleged that under Rule 4 a person can deposit in single and joint account a maximum amount of Rs. 2,04,000 which

limit has been increased to Rs. 3,00,000 w. e. f. 1. 2. 2000. Respondent No. 2 had deposited Rs. 57,000 in excess. Respondents had received Rs. 58,240 in excess towards interest which they are liable to refund to the petitioners. Along with revision the petitioners have filed application for condonation of delay of 26 days in filing petition. For the reasons given in the application, the delay in question is condoned.

Post Office (Monthly Income Account) Rules, 1987 were amended w. e. f. 1. 6. 1993 and in place of existing Rule 4 the following rule was substituted : "4. Opening of account-A Depositor may operate more than one account under these rules subject to the condition that deposits in all accounts taken shall not exceed rupees two lakh and four thousand in single account and rupees four lakh and eight thousand in joint account. "

3. BY further amending the said rules by Fourth Amendment Rules, 2000, the following note below Rule 4 was inserted : "note-For the purpose of maximum balance the depositor''s share in the balance of the joint account shall be taken as one half or one third of such balance according to the account as held by two adults or three adults. "

This amendment came into force on 5. 9. 2000. Total amount of two deposits in individual name of respondent No. 2 was Rs 78,000. Total amount of deposits in joint accounts of both the respondents was Rs. 3,66,000. Submission advanced by Mr. Manoj Ohri for petitioners was that the amount deposited in single name of respondent No. 2 coupled with one-half amount of her share in joint accounts i. e. , Rs. 1,83,000 was Rs. 2,61,000. Since permissible limit of deposit was only Rs. 2,04,000 the amount of Rs. 57,000 had been deposited in excess on which respondents are not entitled to interest. In support of this submission, our attention was invited to S. B. order No. 21/96 dated 27. 12. 1996 issued by the Government of India, Ministry of Communication, Department of Post, New Delhi. Reliance was also placed on the decisions in R. P. No. 1020/2002, K. M. Singh v. Senior Post Master, Ramesh Nagar, New Delhi, I (2003) CPJ 167 (NC), decided on 15. 11. 2002 and Post Master, Dargamitta H. P. O. , Nellore v. Raja Prameelamma (Ms.), (1998) 9 SCC 706. However, submission is without any merit. Said SB Order No. 21/1996 dated 27. 12. 1996 is an administrative instruction. There being no ambiguity in above substituted Rule 4 before insertion of ''note'' below it by Fourth Amendment Rules, 2000, it is not binding on respondents. Under substituted Rule 4 one-half of the amount in joint account of respondents cannot be added to the amount lying in deposit in single name of respondent No. 2 for the purpose of computation of maximum limit which was Rs. 2,04,000 and later on enhanced to Rs. 3,00,000. Operation of the note inserted by Fourth Amendment Rules, 2000 is prospective. Decision in K. M. Singh''s case is distinguishable as accounts in that case stood in single name. Ratio in Post Master, Dargamitta H. P. O. Nellore''s case (supra) has no applicability to the facts of the present case. Orders passed by Fora below do not call for any interference in revisional jurisdiction under Section 21 (b) of the Consumer

Protection Act, 1986. Accordingly, revision is dismissed. No order as to cost. Revision dismissed.

